

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

<b>United States District Court</b>		District Delaware	06 - 421
Name <u>Christopher J. Davis</u>	Prisoner No. <u>225275</u>	Case No.	
Place of Confinement  Sussex Correctional Institution			
Name of Petitioner (include name under which convicted) <u>Christopher J. Davis</u>		Name of Respondent (authorized person having custody of petitioner) V. Richard Kearney, Warden	
The Attorney General of the State of: Delaware			

**PETITION**

- Name and location of court which entered the judgment of conviction under attack Superior Court, Sussex County, Delaware
- Date of judgement of conviction July 7, 2005
- Length of sentence 6 years, 7 months
- Nature of offense involved (all counts) D.V.I (4th), Reckless Burning, Off. Touching, Terroristic Threatening, V.O.P.

## 5. What was your plea? (Check one)

- (a) Not guilty ☐
- (b) Guilty ☒
- (c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

Not guilty to V.O.P. (Found guilty after hearing)

## 6. If you pleaded not guilty, what kind of trial did you have? (Check one)

- (a) Jury ☐
- (b) Judge only ☒

## 7. Did you testify at the trial?

Yes ☐ No ☒

## 8. Did you appeal from the judgement of conviction?

Yes ☐ No ☒

BD scanned  
IFP

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9. If you did appeal, answer the following:

- (a) Name of court N/A
- (b) Result N/A
- (c) Date of result and citation, if known N/A
- (d) Grounds raised N/A

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

- (1) Name of court N/A
- (2) Result N/A
- (3) Date of result and citation, if known N/A
- (4) Grounds raised N/A

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

- (1) Name of court N/A
- (2) Result N/A
- (3) Date of result and citation, if known N/A
- (4) Grounds raised N/A

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court DE Supreme Court
- (2) Nature of proceeding Appeal of Superior's (Sussex) denial of Rule 61 Motion
- (3) Grounds raised Incompetent Counsel, Coersion to induce plea

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(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒(5) Result DENIED(6) Date of result June 12, 2006

(b) As to any second petition, application or motion give the same information:

(1) Name of court N/A(2) Nature of proceeding N/A(3) Grounds raised N/A

(4) Did you receive any evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐(5) Result N/A(6) Date of result N/A

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☒ No ☐(2) Second petition, etc. Yes ☐ No ☐

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

N/A

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

**CAUTION:** In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Conviction obtained by plea of guilty which was unlawfully induced or not made voluntary with understanding of the nature of the charge and consequences of the plea.  
Supporting FACTS (state briefly without citing cases or law)

State Appointed Counsel misrepresented consequence of plea: (Duration of program, time to wait to enter program, credit for time served). Counsel effectively coerced plea by breaking lawyer/client confidentiality and then relaying my mother's sentiments that she wanted me to accept the plea.

B. Ground two: Denial of effective assistance of counsel

Supporting FACTS (state briefly without citing cases or law) Counsel never met with client before hearing although Defendant was facing up to 10 years incarceration. Counsel made no attempt at pre-trial investigation into any plausible line of defense for defendant. Counsel bumbled through V.O.P. hearing, not knowing anything about the case beforehand other than State-presented accusations. Counsel then mis-represented plea to defendant - suggesting that he accept it, and presenting info to defendant that his mother wanted him to accept it, although Defendant <sup>(5)</sup> had barred Counsel from discussing his case with anyone other than his girlfriend.



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C. Ground three:

N/A

Supporting FACTS (state *briefly* without citing cases or law)

N/A

D. Ground four:

N/A

Supporting FACTS (state *briefly* without citing cases or law)

N/A

13. If any of these grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them:

N/A

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (a) At preliminary hearing Waived, by suggestion of Mike Abrahms - the  
Conflict Attorney at hand (Georgetown, DE)
- (b) At arraignment and plea John Brady (Georgetown, DE)

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(c) At trial John Brady(d) At sentencing John Brady(e) On appeal N/A(f) In any post-conviction proceeding Pro Se(g) On appeal from any adverse ruling in a post-conviction proceeding Pro Se

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: N/A

(b) Give date and length of the above sentence: N/A

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☐

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

6/25/6  
(date)

[Signature]  
Signature of Petitioner

Christopher Davis  
I/M: 225275 BLDG. KE7-D  
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